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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,914	09/30/2003	Kerry Sellen	1DATA.113A	2087
29052 7590 03/17/2008 SUTHERLAND ASBILL & BRENNAN LLP 999 PEACHTREE STREET, N.E. ATLANTA, GA 30309				
EXAMINER LE, UYEN CHAU N				
ART UNIT		PAPER NUMBER		
2887				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,914

Applicant(s)

SELLEN ET AL.

Examiner

Uyen-Chau N. Le

Art Unit

2887

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-85 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-85 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/86)
Paper No(s)/Mail Date 02/15/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 4, 15, 27, 50, 67 and 84 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only.

2. Claims 4, 15, 27, 50, 67 and 84 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The additional phrase "similar to" renders the claims indefinite. Appropriate clarification and correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-6, 11-17, 22-29, 34-41, 43-45, 48, 50-58, 60-62, 64-65, 67-74, 76-79, 81-82 and 84-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koakutsu (US 6902105 B2 - cited by the Applicant) in view of Lowery (US 6189785 B1).

Re claims 1-6, 11-17, 22-29, 34-41, 43-45, 48, 50-58, 60-62, 64-65, 67-74, 76-79, 81-82 and 84-85: Koakutsu discloses a method of generating a receipt for a check received at a merchant location, the method comprising:

scanning the check to obtain information about the check that facilitates electronic processing of the check wherein the information about the check includes a magnetic ink character recognition (MICR) line imprinted on the check; identifying the scanned check as a corporate check if the MICR line includes an auxiliary on-us field (fig. 16; col. 12, lines 14-45);

wherein the scanned check is identified as a non-corporate check if the MICR line does not include the auxiliary on-us field (col. 12, lines 29-30).

further comprising denoting the information about the check to allow processing as a corporate check transaction if the auxiliary on-us field is present (col. 12, lines 30+).

further comprising communicating the information about the check to a check processing service that authorizes or declines the check transaction (figs. 5 and 16; col. 7, lines 5-13 and col. 12, lines 20+).

further comprising obtaining an image of at least a portion of the check upon determination that the check is a corporate check (fig. 13; col. 11, lines 15-38).

Koakutsu is silent with respect to generating a first receipt having language suitable for the corporate check if the scanned check is a corporate check, and further comprising generating a second receipt having language suitable for the non-corporate check if the scanned check is identified as a non-corporate check.

Lowery teaches the point of sale printer may be any type of computer printer capable of generating an authorization receipt recording the identification of the merchant, the check 110 information, sale information, and the transaction result (col. 6, lines 12-16).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Lowery into the system as taught by Koakutsu in order to provide Koakutsu with an alternative means for transactions verification (i.e., the transaction data can be verified ready via the information printed on the receipt, which including check information, purchase information, etc.), and therefore an obvious expedient.

6. Claims 7, 18, 30, 46, 63 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koakutsu as modified by Lowery as applied to claims 1, 12, 23, 33, 52 and 69 above, and further in view of Repak (US 20030229586 A1 - cited by the Applicant). The teachings of Koakutsu as modified by Lowery have been discussed above.

Re claims 7, 18, 30, 46, 63 and 80: Koakutsu has been discussed above but is silent with respect to allows the check processing service to process the check as a cash concentration disbursement (CCD) transaction via an automated clearing house (ACH) if the check is a corporate check.

Repak teaches an Automated Clearing House (ACH) file 135 typically comprises a standard entry class (SEC) code including CCD (cash concentration and disbursement) used for corporate payment applications that provide the ability to collect and disburse funds and information between companies, CTX (commercial trade exchange) used for corporate payment applications originated by an Originator to pay or collect an obligation of such Originator and destined for the account of another organization (paragraphs [0006] and [0021]).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the cash concentration and disbursement method of Repak into the system as taught by Koakutsu in order to provide Koakutsu with a time consumption system wherein in no further action is required (e.g., generating a credit reversal and posted to the account for authorization), thus the user can get the cash instantaneously.

7. Claims 8-10, 19-21, 31-33, 42, 47, 49, 59, 66, 75 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koakutsu as modified by Lowery as applied to claims 1, 12, 23, 33, 52 and 69 above, and further in view of Templeton et al US 5679940 A - cited by the Applicant). The teachings of Koakutsu as modified by Lowery have been discussed above.

Re claims 8-10, 19-21, 31-33, 42, 47, 49, 59, 66, 75 and 83: Koakutsu has been discussed above but is silent with respect to determining whether to authorize or decline the scanned check includes performing a risk assessment of the check transaction, wherein determining whether to authorize or decline the scanned check depends at least to some degree on a level of service subscribed by the merchant, wherein the level of service includes the check processing service guaranteeing checks authorization thereby assuming risks associated with such checks, wherein the level of service includes the check processing service purchasing checks from the merchant

thereby assuming risks associated with such checks, wherein the device comprises a telephone based device configured to perform a financial transaction, respectively.

Templeton et al teaches a transaction system comprises determining whether to authorize or decline the scanned check includes performing a risk assessment of the check transaction, wherein determining whether to authorize or decline the scanned check depends at least to some degree on a level of service subscribed by the merchant, wherein the level of service includes the check processing service guaranteeing checks authorization thereby assuming risks associated with such checks, wherein the level of service includes the check processing service purchasing checks from the merchant thereby assuming risks associated with such checks (col. 11, lines 9+; col. 14, lines 1-27; col. 19, lines 16-34; col. 28, lines 12+); wherein the device comprises a telephone based device configured to perform a financial transaction (figs. 3 and 4; col. 16, lines 47+ and col. 17, lines 20+).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Templeton et al into the system as taught by Koakutsu/Lowery in order to provide Koakutsu/Lowery with a more secure system in which risk assessment system is configured for making a more complete and accurate evaluation of whether to approve or decline a check transaction (i.e., the preferred risk assessment system uses a profitability coring model to evaluate the overall profitability of a transaction and utilizes the result as a key indicator in determining whether to approve or decline a transaction), and therefore an obvious expedient.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on maxi-flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven S. Paik can be reached on 571-272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Uyen-Chau N. Le/
Primary Examiner, Art Unit 2887

March 2, 2008